

catarrh, catarrhal deafness, enlarged tonsils, sinus troubles, pyorrhea, eye troubles, goiter, apoplexy, neck, shoulder and arm neuralgia, brachial neuralgia, draining sinuses, head noises, dizziness, tonsillitis, sinus congestion, bronchitis, bronchial asthma, eyestrain and crossed eyes, mastoid abscess, angina pectoris, mental aberration, curvature of the spine, exophthalmic goiter, laryngitis, various heart troubles, and many other distressing conditions which are benefited by improved circulation; that it constituted an effective and competent self-administered home treatment of many serious and painful disorders; that it would bring about the restoration of normal circulation; that it would give complete relief with no other treatment; that it was the best possible self-administered treatment for the relief of that great intractable group of head and throat disorders so disappointingly treated by other measures, that is, that it was an effective and competent treatment for said disorders; and that it would relax the cervical spine; whereas it was not an effective or competent treatment for such purposes.

On October 14, 1940, the defendant having entered a plea of nolo contendere, the court imposed a fine of \$50.

373. Misbranding of Rogers' Mineral Extract. U. S. v. Lafayette Rogers (The Rogers Mineral Co.) Plea of nolo contendere. Fine, \$25. (F. D. C. No. 2111. Sample No. 61879-D.)

The label of this product bore false and misleading representations regarding its efficacy in the conditions indicated hereinafter.

On September 25, 1940, the United States attorney for the Southern District of Alabama filed an information against Lafayette Rogers, trading as the Rogers Mineral Co., Cullomburg, Ala., alleging shipment on or about January 25, 1940, from the State of Alabama into the State of Mississippi of a quantity of Rogers' Mineral Extract which was misbranded. The article was labeled in part: "Rogers' Mineral Extract Formerly Known as Acid Iron Earth."

Analysis showed that the article was a water solution containing approximately 6 percent of mineral matter, mainly, iron, aluminum, and sodium sulfates.

The article was alleged to be misbranded in that certain statements in the labeling were false and misleading in that they represented that it was efficacious in the internal and external treatment of indigestion, liver, kidneys and blood, hemorrhage of lungs, early stages of consumption, lung trouble, diarrhea or any bowel trouble, pellagra, rheumatism, cuts, burns, sores of all kinds, bruises, scalds, inactive liver, ulcerated stomach, liver and kidney trouble, flux and dysentery and other spring and summer diseases, run-down condition, ulcers, early stages of eczema, backache and general weakness, "T. B. of the bone," and skin diseases; that it was efficacious to prevent malaria, to regulate the appetite and to "cause the food to assimilate, which means strength, health and happiness"; that it was efficacious as a blood purifier; would remove pimples from the face; that it was a natural remedy and purifier which would cooperate with the blood system and action of the body, and thus give nature an opportunity to restore to the body that which it had lost; that it would cause the body to regain strength and its proper functioning power; that it possessed healing power; that it would insure health; that it was efficacious as a system builder; that it was efficacious to prevent cholera in hogs and chickens, and that it was efficacious in the treatment of sorehead in chickens; whereas it was not efficacious for such purposes.

On November 8, 1940, the defendant entered a plea of nolo contendere and the court imposed a fine of \$25.

374. Misbranding of Sun Dried Nova Scotia Dulse. U. S. v. Gus E. Sjoberg (Coffin Fish Co.). Plea of nolo contendere. Fine of \$150 on count 1. Imposition of sentence suspended on count 2 and defendant placed on probation for 9 months. (F. D. C. No. 2094. Sample Nos. 73116-D, 83523-D.)

The labeling of this product bore false and misleading representations regarding its efficacy in the conditions indicated below.

On August 22, 1940, the United States attorney for the Western District of Washington filed an information against Gus E. Sjoberg, trading as the Coffin Fish Co. at Seattle, Wash., alleging shipment on or about August 23 and December 27, 1939, from the State of Washington into the States of California and Oregon of quantities of dulse that was misbranded. It was labeled in part: "Sun Dried Nova Scotia Dulse * * * Imported and Packed by Coffin Fish Co. Seattle, U. S. A."

Examination showed that the article was a dark brown vegetable material, apparently dried seaweed.

The article was alleged to be misbranded in that representations on the cartons and in the circulars that it would be efficacious in the treatment of goiter and constipation; would be efficacious for preventing scurvy; would be efficacious in the prevention of all diseases of the thyroid; would maintain resistance of the body to infection; would be efficacious as a stimulant and benefit to the stomach; would have a wonderfully soothing effect in cases of intestinal flu, colds in the throat or lungs; and that physicians would advise the use of the article in all troubles resulting from an insufficient daily supply of iodine, were false and misleading since it would not be efficacious for the said purposes and since physicians would not advise its use in all troubles resulting from an insufficient daily supply of iodine.

On December 20, 1940, a plea of nolo contendere having been entered by the defendant, the court imposed a fine of \$150 on count 1. Imposition of sentence was suspended on count 2 and the defendant was placed on probation for 9 months.

375. Misbranding of World Famous New Life Laxative Tonic. U. S. v. Harry B. Kahng (New Life Laboratories and Oriental New Life Medicine Co.). Tried to a jury. Verdict of guilty. Defendant placed on probation for 1 year. (F. D. C. No. 952. Sample Nos. 5425-D, 82986-D.)

The labeling of this product bore false and misleading representations regarding its composition and its efficacy in the conditions indicated below, and falsely represented that the article contained no harmful or habit-forming drugs.

On June 18, 1940, the United States attorney for the Northern District of Georgia filed an information against Harry B. Kahng, trading as the New Life Laboratories and as the Oriental New Life Medicine Co. at Atlanta, Ga., alleging shipment on or about October 2 and December 7, 1939, from the State of Georgia into the States of Alabama and Florida of quantities of the above-named drug product which was misbranded.

Analyses showed the article contained Epsom salt, free sulfur, senna, anise, cascara, licorice, and unidentified substances.

The article was alleged to be misbranded in that the statements, "New Life * * * System Cleanser and Tonic for Every Member of the Family * * * A Real Remedy for every one," borne on the cartons, were false and misleading in that they represented that it would be efficacious in producing the improvement in health, well-being, and vigor implied in the expression "New Life"; that it would be efficacious as a system cleanser and tonic for every member of the family and was a real remedy for everyone; whereas it would not be efficacious for such purposes.

It was alleged to be misbranded further in that the statements, "Highly recommended for constipation, the usual cause of stomach disorder, kidney, bladder trouble, gas pains, biliousness, thus promoting better health in general and bring resistance to many common diseases," borne on the cartons, were false and misleading in that they represented that constipation is the usual cause of stomach disorders, kidney and bladder troubles, gas pains, and biliousness, and that the article would be efficacious in the prevention of the usual stomach disorders, kidney and bladder troubles, gas pains and biliousness, and would promote better health in general and bring resistance to many common diseases; whereas constipation is not the usual cause of stomach disorders, kidney and bladder troubles, gas pains and biliousness, but said disorders and ailments have many and varied causes, and the article would not be efficacious in prevention of the conditions named in the said statements, would not promote better health in general, and would not bring resistance to many common diseases.

It was alleged to be misbranded further in that the statements, "New Life A preparation of many centuries old world famous Oriental Gen Sen formula. * * * Directions: Take regularly at bed time $\frac{1}{2}$ teaspoonful in $\frac{1}{2}$ glass warm or cold water (stirred well). Regulate dose to bring 2 evacuations of bowels daily by either increase or decrease doses, as some individuals are different than others. Children proportion to the age. If desired, add sugar to improve taste. * * * Known to be highest value of herbal tonic. Contains no harmful or habit forming drugs," borne on the cartons, were false and misleading in that they represented that the article was a preparation of "many centuries old world famous Oriental Gen Sen formula," that it was an herbal tonic and contained no harmful or habit-forming drugs; whereas it was not a preparation of "many centuries old world famous Oriental Gen Sen formula," it was not an herbal tonic since it contained Epsom salts and free sulfur, mineral substances, and contained drugs which when used in the dosage and with the frequency prescribed in the labeling might be harmful and habit-forming.